

FRUITS AND VEGETABLES**CANNED FRUIT**

20168. Misbranding of canned apricots. U. S. v. 97 Cases * * *. (F. D. C. No. 34581. Sample No. 42506-L.)

LABEL FILED: February 9, 1953, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about January 7, 1953, by Hunt Foods, Inc., from Hayward, Calif.

PRODUCT: 97 cases, each containing 24 1-pound, 13-ounce cans, of apricots at Green Bay, Wis.

LABEL, IN PART: (Can) "Harvest Inn Brand Unpeeled Apricots Halves Heavy Syrup * * * Mixed Pieces of Irregular Sizes and Shapes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned apricot halves since all of the apricot units were not untrimmed or so trimmed as to preserve normal shape and the label failed to bear, as required by the regulations, a statement that the product fell below the standard.

DISPOSITION: April 13, 1953. Default decree of condemnation. On April 22, 1953, the court ordered that the product be delivered to a charitable institution.

20169. Misbranding of canned peaches. U. S. v. 134 Cases * * *. (F. D. C. No. 34602. Sample No. 43054-L.)

LABEL FILED: January 14, 1953, Eastern District of New York.

ALLEGED SHIPMENT: On or about November 25, 1952, by the Pacific Grape Products Co., from Stockton, Calif.

PRODUCT: 134 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Brooklyn, N. Y.

LABEL, IN PART: (Can) "A & P Sliced Yellow Cling Peaches In Heavy Syrup Grade A."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Grade A" was false and misleading since the product was not of Grade A quality, because of variation in size and shape, color, texture, and appearance of the fruit.

DISPOSITION: April 28, 1953. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

MISCELLANEOUS FRUIT PRODUCTS

20170. Adulteration and misbranding of blackberry jelly. U. S. v. 2 Cases * * *. (F. D. C. No. 33641. Sample No. 29669-L.)

LABEL FILED: August 15, 1952, Western District of Washington.

ALLEGED SHIPMENT: On or about July 10, 1952, by the Oswego Jelly Co., from Oswego, Oreg.

PRODUCT: 2 cases, each containing 24 12-ounce jars, of blackberry jelly at Seattle, Wash.

LABEL, IN PART: "Oregon Hills Brand Pure Mountain Wild Blackberry Jelly
* * * Made by Allan and Allan Dickinson Oswego, Ore."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 65 percent soluble solids had been substituted for blackberry jelly, which the product was represented to be.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for blackberry jelly since the soluble-solids content of the product was less than 65 percent.

DISPOSITION: April 3, 1953. Default decree of condemnation. The court ordered that the product be delivered to a hospital for its use.

20171. Adulteration of frozen strawberry juice. U. S. v. 1,879 Cans * * * (and 1 other seizure action). (F. D. C. Nos. 34057, 34096. Sample Nos. 36459-L, 36700-L, 36701-L.)

LIBELS FILED: October 30 and November 3, 1952, Southern District of Indiana and Eastern District of New York.

ALLEGED SHIPMENT: On or about June 10 and July 3, 1952, by Driscoll Strawberries, Inc., from San Martin, Calif.

PRODUCT: 3,868 25-pound cans of frozen strawberry juice at Indianapolis, Ind., and Brooklyn, N. Y.

LABEL, IN PART: "Driscoll Brand Frozen Strawberry Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed strawberry material and by reason of its manufacture from rotten strawberries.

DISPOSITION: March 27 and 30, 1953. The libel actions having been removed to the Southern District of California for trial and Driscoll Strawberries, Inc., claimant, having subsequently been permitted to withdraw its claim on condition that it pay all costs of the actions, judgments of condemnation were entered and the court ordered that the product be destroyed.

20172. Adulteration of plum pudding. U. S. v. 49 Cases * * *. (F. D. C. No. 34447. Sample No. 66914-L.)

LIBEL FILED: December 29, 1952, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 19, 1952, by Richardson & Robbins, from Dover, Del.

PRODUCT: 49 cases, each containing 12 cans, of plum pudding at Philadelphia, Pa.

LABEL, IN PART: (Can) "Richardson & Robbins Contents One Pound R & R Plum Pudding."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts.

DISPOSITION: February 16, 1953. Default decree of condemnation and destruction.

VEGETABLES

20173. Misbranding of canned cut green beans. U. S. v. 109 Cases * * *. (F. D. C. No. 34565. Sample Nos. 40750-L, 40754-L.)

LIBEL FILED: January 27, 1953, Western District of Washington.